

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/HCO

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In re: ) P.& S. Docket No. D-97-0017  
Sechler Foods, Inc., )  
and Scott I. Sechler, )  
Respondents ) Decision as to Respondent  
Scott I. Sechler

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This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a Complaint and Notice of Hearing filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, GIPSA, United States Department of Agriculture, alleging that the respondents wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Scott I. Sechler admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Sechler Foods, Inc., hereinafter the corporate respondent, is a New Jersey corporation whose business mailing address was Route 40, Harding Highway, Vineland, NJ 08360.
2. The corporate respondent at all times material herein was:

(a) Engaged in the business of obtaining live poultry in commerce by purchase or under a poultry growing arrangement for the purpose of slaughter and the sale and shipment of poultry products in commerce; and

(b) A live poultry dealer within the meaning of and subject to the provisions of the Act.

3. Respondent Scott I. Sechler, hereinafter the individual respondent, is an individual whose business mailing address is P.O. Box G, Strausstown, PA 19559.

4. The individual respondent is, and at all times material herein was:

(a) President of the corporate respondent;

(b) Principal stockholder of the corporate respondent;

(c) Responsible for the direction, management and control of the corporate respondent; and

(d) A live poultry dealer within the meaning of and subject to the provisions of the Act.

#### Conclusions

Respondent Scott I. Sechler having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

Respondent Scott I. Sechler, his agents and employees, directly or through any corporate or other device, in connection with his operations as a live poultry dealer, shall cease and desist from:

1. Failing to pay, when due, for live poultry purchased in cash sales; and

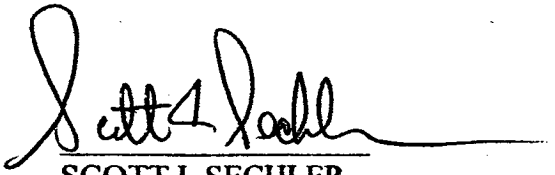
2. Failing to pay for live poultry purchased in cash sales.


In accordance with section 411 of the Act (7 U.S.C. § 228b-2), Respondent Scott I.

Sechler is assessed a civil penalty of Eight Thousand Dollars (\$8,000.00).

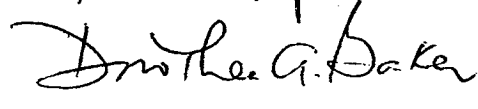
The provisions of this order shall become effective on the first day after service of this order on Respondent Scott I.. Sechler.

Copies of this decision shall be served upon the parties.

  
SCOTT I. SECHLER  
Respondent

  
ERIC PAUL  
Attorney for Complainant

Issued this 12<sup>th</sup> day of April, 2010

  
Administrative Law Judge